

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAUnited States of America,
Plaintiff

v.

Kenneth Earl Smith, Jr.,
DefendantCase No. 2:21-cr-00279-CDS-EJY
Order Resolving Pending Motions

[ECF Nos. 116, 117, 120]

On April 15, 2025, the court held a hearing to address several motions filed by supervisee Kenneth Smith, Jr. related to a recent modification to the conditions of his supervised release (ECF Nos. 116, 117, 120). Smith was represented by the Federal Public Defender's Office at the hearing.¹ Because one motion was Smith's request to withdraw his waiver of a hearing to modify the conditions of his supervised release, I also conducted an evidentiary hearing. The transcript of the April 15 hearing is incorporated by reference into this order.

At the conclusion of the hearing, I found by a preponderance of the evidence that Smith had violated the conditions of his supervised release. As a result, and after considering the factors set forth in 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), I found that modification of Smith's conditions was appropriate, so I reimposed the requested modification of adding a curfew enforced by location monitoring. *See* Req. for modification, ECF No. 112; Order granting req., ECF No. 115. However, I reduced the time for that modification from ninety days to sixty days.

¹ *See* Order granting Smith's mot. for appointment of counsel. ECF No. 126. The day after the evidentiary hearing, the Federal Public Defender's Office filed a motion to withdraw, citing a conflict of interest. ECF No. 128. The court will enter a separate order resolving that motion.

Conclusion

IT IS THEREFORE ORDERED that Smith's motion for reconsideration [ECF No. 116] is **GRANTED in part**. The court reimposes the modification of a curfew with location monitoring as set forth in ECF No. 115 but amends the time for the modification from ninety days to sixty days.

IT IS FURTHER ORDERED that Smith's motion to withdraw waiver [ECF No. 117] is **GRANTED**.

IT IS FURTHER ORDERED that Smith's motion to strike [ECF No. 120] is **DENIED**.

Dated: April 18, 2025



Cristina D. Silva
United States District Judge